

PROPOSED AMENDMENTS
ZOAM 2007-0004

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

- 2-101 AR-1 (Agricultural Rural – 1),
- 2-202 AR-2 (Agricultural Rural – 2),
- 2-1003 JLMA-1 (Joint Land Management Area – 1),
- 2-1103 JLMA-2 (Joint Land Management Area – 2),
- 2-1203 JLMA-3 (Joint Land Management Area -3),
- 2-1303 JLMA-20 (Joint Land Management Area – 20),
- 2-1402 TR-10 (Transitional Residential – 10),
- 2-1502 TR-3 (Transitional Residential – 3),
- 2-1602 TR-2 (Transitional Residential – 2),
- 2- 1702 TR-1 (Transitional Residential – 2)

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) A minimum of 25% of the ~~gross sales receipts~~ products sold must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or other property owned or leased by the operator in Loudoun County. An annual report verifying ~~this percentage the portion of sales derived from products produced on site~~ shall be submitted ~~on request~~ to the Zoning Administrator upon request.
- (B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed
- (E) Retail sales areas within structures shall not exceed, in the aggregate 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

In addition to Standards (B) through (E) above, Farm markets (off-site production) must meet the following additional standards:

- (F) A minimum of twenty five percent (25%) of the products sold at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (G) Parking spaces for Farm markets (off-site production) are calculated at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, minimum of 10 spaces per establishment.
- (H) Landscaping/Buffering/Screening.
- (1) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (2) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture,~~

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~~and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~

- (D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.

~~(D)~~ (E) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

~~(E)~~ (F) Those special exception uses and structures which require a site plan.

~~(F)~~ (G) Any development in which any required off-street parking space is to be used by more than one establishment.

~~(G)~~ (H) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

~~(H)~~ (I) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

~~(I)~~ (J) All public buildings and institutions.

~~(J)~~ (K) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.

~~(K)~~ (L) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

~~(L)~~ (M) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;

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- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

- (A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care Business, Child Care Home, Farm Market [excluding the use Farm market (without on-site production)], Stable (Private or Neighborhood), and Wayside Stand.
- (B) ~~Rural~~ Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch plan shall including the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products sold must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or other property owned or leased by the operator within Loudoun County. A Farm market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless stated elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products sold must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. An Agricultural market may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

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5-626 Agriculture, Horticulture and Animal Husbandry.

- (A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall have no minimum lot size be located on parcels 5 acres in size or larger.
- (B) **Best Management Plan Required for Animal Husbandry Uses.** Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicating the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures from all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed and approved by the Virginia Cooperative Extension office or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.
- (C) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing at the time of construction of the structure is the principal use. This setback shall not apply if a residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. Animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the definition of animal husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is an accessory use to a dwelling unit.

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5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) Intensity/Character.

- (1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
- (2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres except the following uses shall have no minimum lot area:

Use	Lot Area (Minimum)
<u>Equestrian Facility</u>	<u>No minimum</u>
<u>Stable</u>	<u>No minimum</u>

- (3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
<u>Equestrian Facility</u>	<u>No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.</u>	<u>0 acres up to 5</u>
<u>Stable</u>	<u>No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.</u>	<u>0 acres up to 5</u>
<u>All Other Uses</u>		
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

- (4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

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- (5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

- (1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
<u>Equestrian Facility</u>	<u>0 to 5 acres</u>	<u>6,000 square feet</u>
<u>Stable</u>	<u>0 to 5 acres</u>	<u>6,000 square feet</u>
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

- (2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

- (C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
<u>Equestrian Facility</u>	<u>0 to 5 acres</u>	<u>6,000 square feet</u>	<u>60 ft.</u>
<u>Stable</u>	<u>0 to 5 acres</u>	<u>6,000 square feet</u>	<u>60 ft.</u>

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All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

- (1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.

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- (2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

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Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) Intensity/Character.

- (1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres
Equestrian Facility	No minimum
Stable	No minimum

- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
Equestrian Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

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- (3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
Equestrian Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	36,000 square feet

- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

- (C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.

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Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Equestrian Facility	0 to 5 acres	6,000 square feet	60 ft.
Stable	0 to 5 acres	6,000 square feet	60 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.
- (4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

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(H) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

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